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THE OPINION



Vol. 25, No. 3

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

September 25, 1984

Dean Headrick To Resign But Will Stay On As Professor

by Jeff H. Stern

Dean of U/B Law School, Thomas E. Headrick, will resign from his present position effective August 31, 1985, but will remain here as a professor on the Faculty of Law and Jurisprudence. Headrick first informed the faculty of his decision at a meeting earlier this month.

Looking Back at Accomplishments

Clearly satisfied with the state of the law school after an eight-year administration, Headrick now feels the time has come for him to step down. "The average tenure for a law school dean is somewhere between three and four years . . . I think I'm getting close to that point when to stay much longer would be to stay too long," said Headrick.

"The problems no longer seem as important because you've seen so many of them before, and you begin to take people and situations for granted. That's not a healthy set of attitudes for a dean and at that point I think it's

time to change," Headrick explained.

Headrick cited as the major accomplishments of his administration an improved, innovative faculty, an expanded clinical program, a burgeoning academic reputation and the development of both the Jaekle Center State and Local Government Program and Baldy Center for Law and Social Policy.

Dean's Future Plans

He emphasized that he has no plans to leave the law school after his resignation as Dean. "I love this law school. I think it's probably the best law school in the country in which to teach and I have no intention of leaving . . . I'll just stop being Dean and start being a professor."

Headrick expects to teach courses in public policy-making and property law, although that decision ultimately will "be up to the new dean."

Selection of a New Dean

Declining to speculate as to who the new dean may be, Headrick stressed that he would "stay out of that (the selection) process completely."



Although expressing a willingness to talk to candidates "about what the job entails and about the things that are important and special about this law school," he emphasized that he would in no way interview or evaluate them. "I don't think I should be involved in the selection of a successor," he said.

Factors in Deciding to Resign

Dean Headrick's decision to resign does not come as a surprise to the law school community. Last January, after returning from a sabbatical at Oxford University, he indicated to the faculty and *The Opinion* that he was considering resigning at the end of the 1984-5 academic year. At that time, however, Headrick was

reluctant to reach a final decision until he could assess the impact on the law school of the appointment of a new University Provost.

The subsequent designation of law school faculty member William Greiner as University Provost facilitated Headrick's decision to resign. "If there had been a provost who was new to the University and new to dealing with law schools, then I probably would have made an assessment whether it was important for me to stay on a little longer than I had anticipated," Headrick said.

But since Greiner was selected, "I did not have the problem of having to educate the provost about law school and legal education, and I guess in that sense it made it a little easier for me to think about leaving at the end of this year," Headrick explained.

Future of U/B Law School

Currently the Headrick Administration is working to further close the gap between the law school's high quality and somewhat lower reputation, and also to step up recruiting in response to declining applicant pools.

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1984 Desmond Moot Court Competition To Begin on Wednesday, October the Third

by Peter Scribner

The 1984 Desmond Moot Court Contest will begin next Wednesday afternoon, October 3, when this year's problem will be handed out to participants in the Moot Court Room.

The contest, open to all second and third year students, involves teams of two students each writing a brief and arguing orally on a hypothetical appellate court case. The participating teams have a month to submit a 20 page brief on the issue, and then argue before "moot courts" made up of local judges and attorneys.

This year's issue, written by a committee of the student run Moot Court Board, involves an appeal to the United States Supreme Court. Three lower court opinions set the legal background of the case, and the "writ of certiorari" presents two basic issues for appeal thus allowing each team member to concentrate on one issue. The brief writing teams may choose to argue either side of the controversy. The briefs, due October 31, are judged anonymously by Moot Court Board members, and represent 40% of the total contest score.

Although the problem itself will remain a secret until October 3, the problem writing committee claims it will be "exciting" and "contemporary". Last year's question involved a pregnancy

discrimination issue. The 1984 problem should be even more interesting, according to committee members, and participants will learn a great deal from researching the controversial and emotional questions presented.

In order to help participants with the novelty (and the anxiety) of the moot court experience, a board member is assigned to advise each team. The advisor cannot help with substantive issues, of course, but can provide moral support and help with questions on appellate writing and arguing techniques. Advisors often set up practice oral argument sessions to prepare their teams for the actual competition. Teams may also submit to their advisor a preliminary outline of the issues involved a week after the contest starts and a rough draft of their brief a week before it ends. This encourages participants to avoid procrastination, and also lets the board know if any team has dropped out of the contest.

Previous moot court contests have been plagued by reports of cheating by unscrupulous participants attempting to monopolize research material. Cases and articles were found cut or ripped out of library books, and whole volumes disappeared. Students caught cheating face not only disqualification from the contest but academic sanctions as well,

including the possibility of expulsion from school. In any case, the current Moot Court Board has gone to extreme lengths to make such attempts at cheating useless. Great quantities of all relevant materials have been photocopied and are available for quick replacement of any missing sources. Cheaters, therefore, will gain no advantage over others in access to resources.

The oral argument portion of the contest begins Monday, November 5. For three nights, over a dozen classrooms will be turned into temporary court chambers, with five member panels acting as Supreme Court Justices. The panelists, many of them UB Law School alumni, are judges and attorneys from the surrounding area who have volunteered to participate at their own expense.

Each team will engage in three separate one hour oral argument sessions; one each night. Each team member will argue one of the two issues presented, and the panel of judges will score each participant separately. Most interestingly, at least one of the sessions will require the team to argue "off brief"; that is, to take the opposite side from the position taken in their brief. The ability to argue either side of an issue forcefully and convincingly is one of the unique characteristics

of the legal process, and the Moot Court system is designed to help students practice this required logical dexterity.

Following the preliminary round of oral arguments, the eight teams with the highest scores are chosen to compete in a series of elimination rounds. Quarter finals will be held on Thursday, November 8, semi-finals the following night, and the final round on Saturday afternoon, November 10. All oral argument sessions, including the preliminary rounds, are open to the public. First year students who may be interested in participating next fall are especially encouraged to attend.

Sometime in November, new members of the Moot Court Board are selected, based upon scores in the contest. Teammates are jointly scored on their brief, and judged individually on oral arguments. It is therefore

possible for only one team member to be appointed to the board. About thirty second year students will be appointed to the board. Third year students, who may participate in the contest and can enter the final rounds, are not eligible for the Moot Court Board.

Mary Aramini, director of the Moot Court Board, strongly encourages all students to participate in the Desmond contest. Success in the contest or appointment to the board is of course an honor and a "resume enhancing" event; but all participants will gain valuable experience in legal reasoning and technique. And while moot court contests involve a great deal of work and no small anxiety, the excitement of the competition can be intoxicating. As Ed Markarian, assistant director of the board, put it, moot court is "the sport of law school".

SBA ELECTION RESULTS
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Editorial:

You Are The SBA

The Opinion would like to extend congratulations to those law students who were elected to an office in the Student Bar Association, as well as to those students who did not succeed in their endeavor because, after all, they did show the interest and dedication to get signatures for petitions and provide competition — the all-important competition which makes a democracy viable.

The SBA affects every law student in this school just by the simple fact that they have the authority to collect student activity fees from each one of us. A check on this authority is provided by the competition in the elections since it reminds the officers that they were not appointed and do not have a fait accompli.

However, the check on authority cannot end with the results of the election. Students must continue to participate in the SBA and voice their (dis)approval. They must continue to ensure that the student activity fees are spent efficiently. This can be done by joining a committee on the SBA. These committees would welcome the external participation from the student body and do not require an election to join. More important, the committees most often initiate the actions which the SBA later votes upon. Therefore, the input of committees can be vital to the success or failure of the SBA to respond to the students' needs.

Another mode of representation and means of making the officers of the SBA aware of student needs is through the media. *The Opinion* is an ideal forum to express your viewpoints on any subject relevant to the law school or our education, as long as it is not slanderous or libelous. Used correctly, *The Opinion* can provide a means for the minority to let the majority know of their likes and dislikes. It can make the student body aware of what your concerns and needs are. Since too many people are interested in their own welfare, *The Opinion* can let them know that there exist other people who have wants. Unfortunately, there has been apathy on the part of the minority to write articles about their interests, organizations or opinions.

The Opinion is a student paper for the students. The editors and the staff cannot cover every story or event that takes place in this law school. At best, we try to cover what we feel affects a majority of the students. *The Opinion* is not a special interest publication and therefore does not devote its time exclusively, or even primarily, to minority concerns. Again, there occurs the dichotomy of majority-minority. However, that does not mean that *The Opinion* will not publish an article or story submitted to us if it concerns an organization dedicated to a limited objective or class of people. In fact, the purpose of this editorial is to encourage such groups and organizations to let *The Opinion* know about what is happening in your organization, what events you are planning, what concerns you have, or on what you think would be money wisely spent.

"Freedom of speech." "Freedom of the press." These are expressions and constitutional principles that have been repeated for as long as our country has been in existence, but they have not lost their relevance or importance. So if the next time you pick up a copy of *The Opinion*, shake your head and say, "Where's the beef?" you only need look in the mirror to encounter where the problem lay.

Commentary on New York's New Seat Belt Law

by Robert Marc Bursky

New York's controversial seat belt law, effective January 1, 1985, has aroused the ire and indignation of civil libertarians who contend that it violates one's constitutional right to privacy. Not surprisingly, court action has already been commenced by interested parties in an attempt to enjoin enforcement of its provisions. While the law's constitutionality may be a matter of legal argument, one thing is indeed certain — it makes for terrible public policy.

What is Its Value?

The underlying value of this legislation is the preservation of life. It will diminish fatalities; therefore it is a good law. Whether in fact this is the case is of no consequence to its public worth or lack thereof.

There can be no other justification for a law of this type and to date its sponsors and proponents have had the good sense not to contend otherwise. The problem with this line of reasoning is that it measures life quantitatively, to the exclusion of quality.

Now I am not contending that people would rather die than give up their right to autonomous action deciding whether to

wear a seat belt or reject the same. What I am saying is that since this law does not protect individuals from each other, but rather from themselves, it treats people as *means* to an end, not as ends in themselves, thereby subtracting from a quality of life which can only be experienced through the exercise of autonomy.

What is Its Effect?

In effect, this legal provision states one of two things: your life

"...The State Legislature has sacrificed soundness of public policy to political expediency..."

is more important to the state than it is to you; or the state knows better than you what you want, and what you want is to wear your seat belt so that you can be fruitful and multiply. If it be contended that the former is indeed the case, as evidenced in the government's right to force you into military service, the argument carries with it its own refutation. In wartime, the state is compelling you to risk your life, not to save it. Additionally, the duty here is one that is owed to

your neighbors and fellow citizens, as opposed to one that you owe to yourself. This is also why the seat belt law is not analogous to legal provisions against drunk driving, running stop signs, red lights, etc.

Regarding the latter, it cannot fairly be contended that the usurpation of one's right to autonomous behavior is essential to the treatment of him as an end in himself, through the preservation of his life. Life may be an end in itself, but not because you tell me so. Rather, it may be an end in itself if I so choose it to be, and denial of the fundamental opportunity to exercise choice, of necessity, results in me being treated as a means.

What is the Result?

In enacting this law, the State Legislature has sacrificed soundness of public policy to political expediency and a chance to reaffirm New York's national image as a progressive state. One can only hope that this law will go the way of many laws that attempt to protect people from themselves; out the window via a finding of unconstitutionality or down the drain by virtue of its impossibility of adequate enforcement.

Sixth Annual WNY Conference On Law and Public Schools

by Robert Lehrman

School administrators and board members met Saturday morning, September 15, to discuss recent legislation and court decisions affecting public schools at the Sixth Annual Western New York Conference on Law and the Public Schools.

Several attorneys who specialize in education law spoke to about 55 administrators and board members attending the conference in Baldy Hall. Those in attendance came to the conference to get an overview of changes in laws affecting the public schools.

Norman Gross, Deputy Counsel of the New York State School Boards Association, gave a brief introduction to 32 of the most important laws that will begin affecting public schools this year. For example, one new law requires all public schools with driver education programs to emphasize the dangers of "substance abuse."

Phillip Muck, Lake Shore Elementary School principal, said "school districts rely heavily

on lawyers and will not move without professional advice." Muck said a lawyer attends every Lake Shore Central school board meeting to assure the board is acting responsibly with respect to its legal duties.

The Lewiston-Porter school district also needs a lawyer at every board meeting. The bill for their legal counseling runs between \$3,000 and \$15,000 a year, depending upon whether they go to court. Edward DeVantier, a Lewiston-Porter school board member, said 90% of what the school board does is proscribed by law. He said the local board has very little flexibility.

A big problem is that "the State comes up with mandates, but doesn't always give the districts the money to implement them," DeVantier said. His district's limited finances make it difficult to comply with those mandates.

DeVantier acknowledged that the state can also be helpful. He said his district appreciates the New York State Education Department's development of a curriculum that is uniform throughout the state.

The University of Buffalo Law School provided assistance to the sponsors of the conference.

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Lawyers' Association Seminar

On Saturday, October 27, 1984, the New York State Trial Lawyers Association will present a seminar entitled DECISIONS at the Sheraton Inn-Buffalo East on Walden Avenue in Buffalo.

The seminar will review and cover all the cases that have been reported in the past year that affect civil trial litigation. Taught by law professors and trial lawyers, the morning session, beginning at 9:00 a.m., will cover the topics of new legislation, disclosure and discovery, evidence, trial practice, and general obligations law — contribution and indemnity. From 12:30 to 1:30 p.m. there will be a luncheon, followed by an afternoon session discussing products liability, damages, municipal liability, construction accidents and motor vehicle liability.

Attendance by law school students is encouraged, especially those interested in the field of trial litigation. The registration fee of \$95.00 for non-members of the NYS Trial Lawyers Association and \$75.00 for members will be waived for all U/B students. The only charge would be \$10.00 for attending the luncheon, but there is no obligation to attend.

To register for the seminar, and for further information, stop by the Career Development Office, Room 309.

Moot Court Competition

To the Editor:

On behalf of the Moot Court Board, I invite all second and third year law students to participate in the 1984 Desmond Appellate Advocacy Competition. The problem will be handed out Wednesday, October 3. Briefs are due on October 31st and the oral arguments are scheduled from November 5-10th.

Following the competition, second year students will be invited to become members of the

Moot Court Board. In addition to awards for the first and second place teams, five brief and five oralist awards will be presented. The Awards Banquet, sponsored by the Alumni Association, will be held on Saturday, November 10th, following the final round of the competition.

This is a tremendous opportunity to sharpen writing and oral advocacy skills. We urge everyone to participate.

Mary E. Aramini
Director, Moot Court Board

Meanderings:

Paradise Revisited: The Law of Santa Barbara

by Andy H. Viets

Editor's Note: As he reported in the last edition of The Opinion, this past May, Andy H. Viets successfully journeyed cross-country to spend the summer in his adopted homeland — Santa Barbara, California. He now recounts his experiences working as a summer associate with a California law firm.

May 31 — I have been in the sunshine state for a week now. I call the law firm I am going to be working for this summer and speak to the partner who hired me to let him know that I am in town and will be coming to work Monday morning. He says that's beautiful and notes that since no one in the office ever shows up before 9:00 that I shouldn't get there any earlier than that. I think that I am going to like this place.

June 4 — I enter the building on East Carrillo Street in downtown Santa Barbara which houses my firm. I take the elevator up to the fourth floor where the receptionist tells me to have a seat. I do so. The office manager comes out to greet me. She shows me around and introduces me to all the attorneys and secretaries in the office (there is a total of about 50 people who work here). It will take me weeks to remember all of their names (except for the cute secretaries — their names I ingrain on my mind).

Next comes a meeting with the attorney who is to be my immediate superior. He informs me of some of the firm's standard operating procedures: At least twice a week a few of the lawyers in the office take two or three hours for lunch to play basketball. After work on Thursdays everyone is expected to go down to the beach and play volleyball. I am then introduced to the office lounge which contains, for everyone's drinking pleasure, coffee (decaffeinated), iced tea, and fresh squeezed orange juice. At this point I know that I am

going to like working at this place.

June 8 — I am taken out to lunch for the third time this week. If this keeps up I won't have to spend much on food this summer. (It doesn't keep up.) I finish my first week of work having written a couple of memos and doing other small pieces of research for various members of the firm. Everyone tells me to have a nice weekend.

June 10 — My little sister graduates from the University of California at Santa Barbara. You know you're getting old when your "little" sister is old enough to graduate from college.

June 14 — Work is going well as is life on the homefront. I am living in Isla Vista, which, being situated next to UCSB, is your basic student ghetto. I am subletting an apartment two blocks from the beach. I am ten miles from downtown Santa Barbara, but Freeway 101 runs just seven blocks from where I work so it only takes me about fifteen minutes to get there (rush hour in Santa Barbara means slowing down to fifty-five miles per hour).

June 18 — As I begin my third week at work, I come to realize that this is where I would like to spend the rest of my life. Santa Barbara is the most beautiful city in the world. It actually looks like it belongs here. The Court House (which is a block from the office) is just awesome. The architectural style is Spanish as is most of the city. Behind the Court House is a sunken garden where I eat lunch a couple of times a week. State Street is the main road going through downtown. It consists of numerous small shops and cafes. When I have gone out to lunch, I haven't had to go to the same place twice. From my office I have a view of both the mountains and the ocean. Talk proud all you want to Buffalo — just keep talkin' proud all you want to.

June 25 — I have settled into a fairly regular routine at work. It is very, very nice having a secretary type everything for me. What I can live without, though, is her laughing at my "Noo

Yawk" accent while she's typing my dictated memos. I tell her that since New Yorkers were here first we don't have accents — Californians do. She doesn't buy it and keeps on laughing.

July 2 — After a month at work I have written a number of memos, complaints, contracts and other legal documents. I have come to realize that the most important course you take in law school is research and writing. It is nice getting paid for it, though.

July 7 — I broke my sunglasses playing volleyball last Thursday so my little sister and I go out to K-Mart to get me some new shades. She picks a pair out for me that are mirrored. She says they look really "hot" (this is Californian for "cool"). When I wear them I can't see a god-damned thing, but shit, do I look "hot."

July 13 — A heat wave has hit Santa Barbara: the temperature is in the 80's and the humidity has reached the unheard of level of twenty five per cent. The natives are wilting. I tell them to try New York this time of year. They say no thanks. So do I.

July 16 — The United States Olympic Track Team is conducting practices on the UCSB campus. I watch Carl Lewis stretch out for half an hour.

July 19 — The Olympic torch passes through Santa Barbara right in front of the Court House. Everyone who works downtown congregates to watch a slice of history run past us. We all applaud as the torch goes by. I think it's really "hot."

July 28 — The Games begin as the Opening Ceremonies are conducted in Los Angeles. Some of the athletes are staying at UCSB, part of which has been transformed into a mini-Olympic Village. You can't get anywhere near the place, though — a triple fence has been built around it and armed guards are everywhere.

August 1 — Fiesta begins in Santa Barbara. Fiesta is one big party that the city throws the first weekend of August every year.



This is Andy's backpack which journeyed to Santa Barbara with him.

There are parades, music, dancing, and lots of Mexican food. Some cynics define Fiesta as a five-day period when a bunch of white people pretend they're Mexicans. Others claim that it gives Santa Barbara a fourth summer tourist attraction to go along with Memorial Day, the Fourth of July, and Labor Day. As far as I'm concerned it's as good an excuse as any other to do some serious drinking.

August 2 — Today is the day of the big Fiesta parade. Even I get a bit cynical about this one. The Fiesta parade consists of a bunch of wealthy white people, who, while pretending they're Mexicans, get to ride their horses up State Street. I have no serious problems with this, though — my firm gives us the afternoon off so that we can watch the parade.

August 4 — The Olympics are half over. I have to admit that I am having trouble getting overly excited about the Games. It just isn't the same without all those godless communists kicking the shit out of us. Personally, I am rooting for the Canadians — I like their national anthem.

August 5 — To close out Fiesta, a symphony is being conducted behind the Court House. A couple of times a year, I pre-

tend that I am a cultured individual and go to a symphony. Today is one of those times. The best part is that it's free.

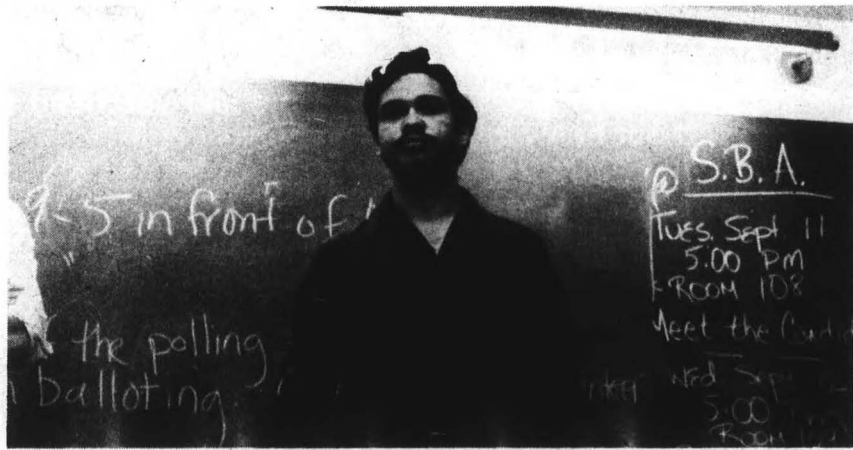
August 10 — There are several demonstration sports in the Olympics this year, one of which is windsurfing, the events for which are being held on East Beach in Santa Barbara. Windsurfing consists of a surfboard with a sail on it and a person trying to ride it out on the ocean. It was the Los Angeles Olympic Organizing Committee which suggested that this be a demonstration sport for the 1984 Olympics. It is this sort of thing, of course, that has given California the reputation it has as the bastion of space cadets.

August 12 — The Games end. What's worse is that I have only a week left in paradise.

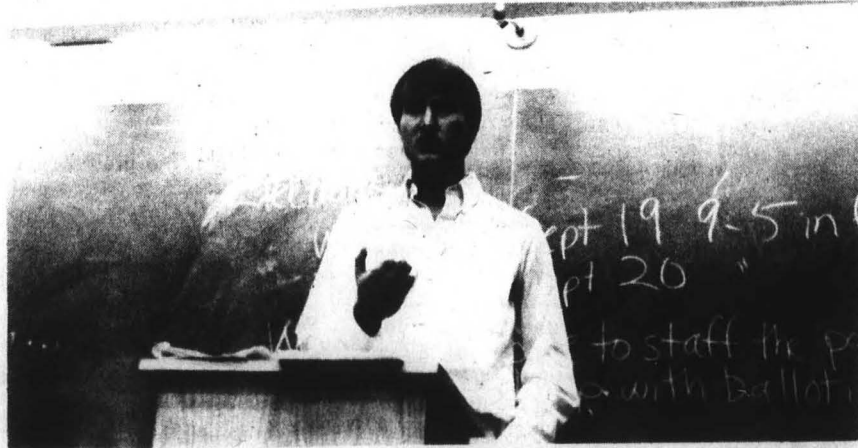
August 20 — This is it. The car is packed. This gets a little harder every time. After spending the last two summers in California, I have become aware of a certain truth: The three most significant things in life, in no particular order, are sex, drugs and rock'n'roll (though admittedly I occasionally have difficulty telling the difference among them). No matter, I get in the car and leave, for it's time to shuffle off to Buffalo.



SBA President Rich Gottlieb



SBA Vice-President Tony Torres



Defeated Presidential Challenger Rob Sant

SBA Election Results

President		Vice-President	
Rich Gottlieb	— 211	Tony Torres	— 269
Rob Sant	— 182	Bill Blasi	— 114
Marc Garber	— 30	Steve Cordovani	— 16
Treasurer		Secretary	
Gina Peca	— 252	Lisa Roy	— 356
Margot Bennet	— 128	Jeff (Slug) Kadushin	— 15
Tim Merideth	— 15		

Random Thoughts On Our Political Process

by Randy Donatelli

Presidential elections provide a timely opportunity for the writer, who normally is not opinionated, to enter the realm of political commentary. The following random thoughts address issues pertaining to this year's election.

Conventions and Primaries

It is time to reconsider the tradition of the political party convention as a prime time event. Six months of primaries is sufficient to determine the nominees in fairly democratic fashion. However, it has rendered the conventions boring, contrived and obsolete.

The primary system actually handicaps the Democrats in the general election. The voters in primaries consist of a disproportionately high percentage of the party's activists resulting in a nominee who has been chosen by a sampling of voters far to the left of Democrats as a whole. This leads to substantial cross-over to the Republicans by conservative Democrats and should help the G.O.P. win its third landslide victory since 1972. In recent elections the Democrats have simply failed to nominate their most electable candidate. Although Mondale is the nominee, the polls have indicated several of Mondale's competitors for the nomination would have stood a better chance of defeating Reagan in November.

Platform Politics

The proposed constitutional amendment to make the District of Columbia a state for the purpose of representation in the House and Senate appears on the Democrat's platform. This would guarantee the Democrats an additional two seats in the Senate and one in the House. The amendment is a direct contradiction to our federal system and is merely a tool of political expediency.

Equally poor is the plank on the G.O.P. platform that would exclude those who are not "pro-life" from appointment to the federal courts. Both propositions display an ignorance and indifference to federalism that should not be ignored by the electorate. Fortunately, platforms are not strictly adhered to in practice. The dynamics of the political process usually dictate party ideology.

The Myth of the Gender Gap

We have heard much about the gender gap recently. The conventional wisdom says Reagan's policies are damaging to women and that many will defect to Mondale/Ferraro. The most recent polls showed Reagan with an 11 point lead among women. So, where is the gender gap?

Reagan's lead among male voters is 20 points. From this difference it has been hypothesized that Reagan has alienated

women and created a gender gap. The fact remains that, in an absolute sense, women prefer Reagan to Mondale. The gender gaps belong to Mondale; he trails both men and women voters by a wide margin.

Conclusion: the gender gap is a trendy phrase coined in the spirit of wishful thinking. It will take more than reflex-induced accusations claiming Reagan is sexist to persuade women that they have no alternative to voting Democrat.

The New York Vote

Governor Cuomo's executive order requiring certain state agencies to distribute voter registration applications can hardly be called a non-partisan gesture, as the Governor has claimed. For example, as Cuomo is well aware, New Yorkers who obtain applications at the Department of Social Services are almost certain to register Democrat. The Governor's reputation as a rising star among Democrats will depend heavily on whether Mondale/Ferraro carry New York in November.

Carter/Mondale lost New York in 1980—including a Reagan victory in Ferraro's district. A defeat in the Empire State this year would be disastrous for the Democrats. The deck is stacked against Reagan in New York. The emergence of Cuomo and Ferraro should prevent another Republican victory here in 1984.

Hugh Deficit is No Myth

Several points must be raised with respect to the federal deficit. The Republican's reputation as the party of fiscal restraint has been severely tarnished in light of the hugh deficit. Although much of the blame rests with a Congress dominated by liberals for many years, the G.O.P. has an obligation to vigorously pursue measures designed to substantially reduce the deficit.

Presidential Politics:

Reagan Visits Buffalo

by John K. Lapiana

Walking between cordons of Buffalo policemen and trailed by a swarm of Secret Service agents, national and local media celebrities, and oogling area politicians, President Ronald Reagan made a three hour whistle stop in Democratic downtown Buffalo on September 12th. While arriving to lecture on the virtues of public and private sector cooperation, it was a group of determined U/B law students who taught the President and his security forces a lesson on the First Amendment.

Teddy Roosevelt described his foreign policy as to "speak softly and carry a big stick." The U/B students, with a little delayed help from U.S. District Judge John T. Elfin, defined the rights of activists at presidential election rallies as "speaking loudly and carrying a big stick."

What Happened to "Freedom of Speech?"

Secret Service and Buffalo police officers had prohibited all placards held aloft by sticks from the immediate D'Youville College area where the President was scheduled to speak. In addition to electioneering, Reagan was in Buffalo to dedicate the Santa Maria Towers, an apartment complex for the elderly, directly across the street from the small Catholic college.

According to the Secret Service regulations, as a precautionary measure, all signs on poles are prohibited from areas where the President speaks. However, Judge Elfin said such regulations violated the freedom-of-speech amendment and the Secret Service cannot enforce a "blanket restriction." Elfin decided that signs on posts are allowable behind cordoned-off areas where it would be unlikely for the sticks to be used as weapons, but still within the sight of the President and his media entourage. Secret Service agents, could, if they desired, inspect protestor's sticks for concealed weapons, Elfin wrote.

First Amendment Rights

Ellen Yacknin, described as a lawyer representing the U/B students, received Elfin's verbal decision at 11 a.m. just 15 minutes before Air Force One was scheduled to land at Buffalo International Airport. For the following two hours, Yacknin and Joseph Guerra, an assistant U.S. attorney, haggled over the proper wording for the Elfin order. By the time a draft was finally readied for the judge's signature, the President was preparing to leave. Despite arguments

Deficit spending has long been a policy of liberals, yet a principal campaign tactic of the Democrats is to attack Reagan on the current state of the budget. Debate over a constitutional amendment to balance the budget would reveal the true advocates of fiscal responsibility. Many states have provisions in their constitutions mandating balanced budgets—why not the Federal Government?

from Guerra that signing the order was redundant since the Secret Service agents were leaving, Elfin still autographed the order, which made "null and void" any regulations prohibiting signs on poles during Reagan's appearance. Although his order is binding only within his Buffalo jurisdiction, Elfin speculated that his reasoning may be used as precedent by other judges.

Presidential Protest

Outside of the courtroom, too, U/B students made themselves heard. Pockets of them could be found in almost all areas cordoned-off for the President as well as in front of the near-by Connecticut Street armory and the park area adjacent to the college. Often the President's speech was punctuated by chants of "Four More Months" and "Ronald Reagan is no good, send him back to Hollywood." But, for the most part, Reagan remained unfazed, only once acknowledging the protestors by interrupting his prepared speech to ask "Is there an echo here?"

While the President's talk dealt mostly with the nation's commitment to the elderly and the relationship between the public and private sectors in funding various community projects, he occasionally took swipes at his Democratic challenger Walter F. Mondale and praised the "mettle" of Buffalonians.

"What a wonderful tonic it is to be in Buffalo with America's finest," he said. "We are deeply patriotic Americans committed to making tomorrow better." Reagan reiterated his commitment to "reduce spending and get the economy moving again," claiming that he would not be "satisfied until economic expansion is found in every community in America."

Partisan Politics Thrive

That goal, Reagan charged, however, is not shared by the Democrats, who he accused of "stonewalling" his plans for economic enterprise zones—the political godchild of area Congressman Jack Kemp—and proposed comprehensive anti-crime legislation.

"Last year, crime dropped seven percent, the greatest decline in history," the President boasted. "However, any attempts to get our core crime proposal through Congress has been bottled up in committees."

Mondale's recently released economic plans to raise taxes while simultaneously cutting spending to help ease the budget deficit was called a "fairy tale"

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Vedge's Law

... by Cliff Falk



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Flashback: The 1980 Presidential Election

by Pudge Meyer

(In the summer of 1979 I was a self-employed political columnist — tough way to make a living... Yesterday I stumbled across one article that I had placed in a folder along with my letters of rejections from about twenty-three law schools. It was entitled *Mr. Wise Guy*.)

Another presidential election is approaching, and I've been busy sorting out possible candidates.

Yesterday, while relaxing in my living-room around midday, I heard some rustling noises in the kitchen. Now, my family had been out of town for a week, and

"It was my long-time friend Mel Brooks. He had let himself in through the side door and had helped himself to some fresh garden vegetables."

I didn't know what it could be. I grabbed the Louisville Slugger I keep under the couch for such occasions, and jumped into the kitchen with one of my karate screams.

"Easy Pudge — it's only me, Mel." What a relief. It was my long-time friend Mel Brooks. He had let himself in through the side door and had helped himself to some fresh garden vegetables.

"Okay, wise guy, what brings you here on a weekday?" I brushed off the heart attack he almost gave me.

"Well, I'll tell you. What do you think about the next election?"

"I've been running through the list, and I just don't know."

"Why don't you give me the names, and I'll tell you what I think."

"Okay." I went for it. "How about Gov. Brown?"

"Too young, and single. Won't command respect."

"Kennedy?"

"Too embarrassed to run. He'd be better off writing a book."

"Carter?"

"Are you kidding?"

"Bayh?"

"Who?"

"Ford?"

"Forgot where the White House is."

"All right, wise guy, who did you have in mind?"

"I'll tell you. This is why I'm here during the week — I'm campaigning." I thought for sure he was kidding. But he went on.

"Seriously, Pudge — I can provide a change of pace that is

sorely needed in this country. I would provide the public with a new face in politics. All my policies would be unbiased, and following no trend, since I know nothing of recent administration."

"But Mel Brooks can't be President of the United States."

"Why not? We've had presidents from all walks of life — generals, writers of constitutions, even crooks, and farmers with dumb brothers. It's time we had one from the entertainment industry."

"Wait. Why would you make a good president?"

"Why? You want to know why? I'll tell you why. I seem to have the key ingredient that not too many candidates have nowadays — common sense. And don't forget the words of Linden Monet — 'Leaders are born, not made.'"

"Linden Monet — who was he?"

"Nevermind. And remember, some of our great leaders had marks against them. For instance, our great anti-slavery Civil War president, Dave Lincoln, had a few servants at his residence that he didn't quite treat as royalty. I can go on if you want me to."

"You don't have to. If there's one thing I know, it's the lives of U.S. Presidents."

"Then you know what I'm talking about. And don't forget — I'm also more well-known than most of the candidates. I'm witty, clever, and observant. And I think it's high time we had a wise guy for president — it would be good for national morale if I could lay some zingers on Cuba and U.S.S.R." I was beginning to see it his way.

"You have my support. Who's your running-mate?"

"Dom Delouise."

"Great." We talked over our campaign strategy; and out walked the man who I hoped would be the next president.

An hour later, I was back in the living-room when the door bell rang.

"Hi Pudge, how are you?"

"Pretty good. What are you doing here on a weekday?" It was my good friend Reggie Jackson.

"Well, I'll tell you — who do you like in the upcoming election?"

Dean Headrick Resigns

continued from page 1

which this school — like most other law schools — has witnessed over the past several years.

In addition, Headrick hopes to resist any new tuition hikes which may be proposed for the law school. "We have made a strong representation which is backed by considerable data and rational argument that — if there are general tuition increases — the law school ought to be excepted for a couple of rounds, because our tuition is really out of whack with other tuitions for students in SUNY," Headrick said.

Dean Headrick feels that after nine years as dean he will have accomplished all that he had originally planned for the law school, and that this will therefore be an appropriate time for

the inception of a fresh administration. He now plans to fully pursue his teaching and research interests. He currently is in the process of writing a book on medieval land transactions based primarily on his research at Oxford.

Headrick's outlook on the current state of the law school and the direction in which it is headed is patently optimistic. "The nice thing about this job I guess, is that this is a remarkably wonderful bunch of people to work with... faculty, staff and students. It's a place that's very alive intellectually. And I think to make some contribution to both keeping it that way and extending our program and our reputation is what gives one satisfaction in this job," Headrick remarked.

The Opinion's publication schedule for the Fall Semester of 1984-85 is as follows:

Issue	Copy Deadline	Late Copy Deadline *	Layout **	Date of Publication
25:4	Monday October 1 8:30 p.m.	Tuesday October 2 12:00 noon	Thursday October 4 7:00 p.m.	Tuesday October 9
25:5	Monday October 15 8:30 p.m.	Tuesday October 16 12:00 noon	Thursday October 18 7:00 p.m.	Tuesday October 23
ONION (humor)	Tuesday October 30 8:30 p.m.	Wednesday October 31 12:00 noon	Saturday November 3 12:00 noon	Wednesday November 7
25:6	Monday November 5 8:30 p.m.	Tuesday November 6 12:00 noon	Thursday November 8 7:00 p.m.	Tuesday November 13
25:7	Monday November 26 8:30 p.m.	Tuesday November 27 12:00 noon	Thursday November 29 7:00 p.m.	Tuesday December 4

* Late copy accepted only upon prior notice.

** Layouts will take place in *The Opinion* office, Room 724 O'Brian Hall.

Fraternity Has Much To Offer

by James Lagona

The officers and members of P.A.D. have returned from their much-needed summer vacations and are moving the organization ahead at a rapid pace. Many events have been scheduled, and some have already been held with much success. This semester's calendar is quickly filling up with events of interest to all in the law school community.

Membership of P.A.D.

Our membership "rush" was a great success this semester, with more than twenty new members initiated into the Fraternity on Monday, September 24, 1984, in the law school's Moot Court Room. As usual, the ceremony was dignified and moving, and was attended by local notables. The reception which followed the ceremony was enjoyed by all in attendance. We again wish to welcome our new brothers and sisters to the membership of our Fraternity and encourage them to participate in our meetings and events.

Social Activities

The Racquetball Night which the Fraternity sponsored on Saturday, September 15, 1984, was also a great success. Food and refreshments flowed freely, the Boulevard Racquetball Club's facilities were open to our use, and the people who attended truly enjoyed all that the evening and the facilities had to offer. This event is sure to be repeated in the future, so watch for up-

coming announcements. Also scheduled for the near future are morning coffee and doughnuts, keggers, happy hours and various social events with the members of the local bench and bar. Watch for upcoming announcements for these activities as well.

Our Blood Drive has been tentatively scheduled for November 15, 1984. We ask that you remember this date and come to donate in the first floor student lounge on that day. A schedule of times for donations will be posted in the mail room in order to move the donations quickly and easily, and to give the nurses an idea of how many people to expect at any given time. Walk-in donors are of course always welcome, but if possible, try to schedule a time so the staff will know when to expect you.

The Book Sale went very well this semester, and we thank all who patronize this function.

Benefits of P.A.D.

Even though we had our first initiation for the semester, it is not too late to join the Fraternity. There will be at least one more initiation this school year. Stop by the P.A.D. office, O'Brian 113A, call the office at (716) 636-2781, or stop any member and ask for information about the Fraternity and how to apply for membership.

P.A.D. is an organization which exists for the benefit of the law student, and believes in service to the community, the student and the profession. Our chapter boasts of its own successful placement/employment service

for its members, national recognition as one of the outstanding chapters of the Fraternity, and our officers have been cited as being exemplary in their efforts and service to the Fraternity. Chapter Clerk Randy Donatelli recently received the honor of being recognized as the outstanding chapter clerk in the Nation. We congratulate him and encourage the other officers and members to look to the example he set for our benefit.

P.A.D. has much to offer the law student. The Fraternity provides a means of meeting those already active in the legal profession, social activities both enjoyable and beneficial to the law student, valuable contacts within the profession, and the fellowship which comes from lifelong membership in an organization which places an emphasis on treating all of its members as equals. In addition to our chapter's employment service for members, the Fraternity has an international placement/employment service for its members.

P.A.D. welcomes all law students into its membership and it extends an invitation to you to join and benefit from all that P.A.D. has to offer you. Look for announcements on our board in the mail room and join us in our activities. Accept our invitation to membership in one of the largest law fraternities in the country, and, with almost one hundred members, the largest law student organization on campus next to the S.B.A. (of which all students automatically are members).

Reagan Visit

continued from page 4

by the President, who said the Republicans plan, unlike his opponent's, calls for "keeping the people out of the red."

Reagan asked the crowd to repudiate the "liberal stonewallers" in Congress this November. "Don't make them see the light," he said, "make them feel the heat."

Cheers and Jeers

After his 10 minute speech Reagan walked from the Santa Maria Towers to the D'Youville

College cafeteria for a V.I.P. luncheon. The route was lined with both pro- and anti-Reagan demonstrators, jostling one another to either cheer or chastize the President. According to one demonstrator, the protest was "a success" despite the problems with the Secret Service and an equally enthusiastic crowd supporting the President.

"Although I don't know whether it'll make any difference in November" she said, "at least we made ourselves heard today."

Sixth Annual WNY Conference

continued from page 2

The speakers included: Ronald Hager, Esq., Instructor, SUNY Buffalo Law Clinic; F. Warren Kahn, Esq., V.P. and Treasurer, New York State Association of School Attorneys; Ward B.

Hinkle, Esq., Hodgson, Russ, Andrews, Woods & Goodyear; and Dennis Barrett, Esq., Barrett, Maier, Barrett.

A transcript of the speeches given at the conference are available in 505 Baldy.

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The Continuing Saga of Pudge's Internship With the Carson County District Attorney

This is part two of a series depicting a common summer internship with an assistant district attorney.

by Pudge Meyer

IV.

Poor Crenshaw. It rained that afternoon, and we didn't get to play tennis. The witness got killed that night by a Dunkin Donuts truck. The judge allowed the direct- and cross-examination to remain as part of the record, but the redirect was stricken due to the obvious inability of Crenshaw to proceed with his recross. Unfortunately for Crenshaw, this prevented him from calling a rebuttal witness who would certainly have discredited the defense witness and shot their entire theory straight to the realms of Pluto.

Before the trial resumed the next morning, Crenshaw was fuming. Jergens asked him what he would do now. "I don't know. Maybe he can play today after work." We did get on the court later that day...

V.

Those Town and Village Justices are a breed unto themselves. It didn't take me long to realize that for some reason or another, they all wore fat neckties. Fat ties have a tendency to make heavy people look heavier and skinny people look skinnier. I have since wondered what would happen if I were to tie one

on. I calmly reassure myself that I'll never find out.

At the time, I didn't yet know if it were the ties or the position; but it seemed like everyone who put on a robe suddenly became endowed with a sense of humor, which, unfortunately, was only self-apparent. (Actually, the fifth grade choir director wore a robe, but he wasn't funny at all.) The Justice would make a comment that made him chuckle; we'd uncomfortably look around at each other, and as if on cue, we'd all start laughing. Sometimes the whole court would be in an uproar. The scene was reminiscent of the story of *The King's Clothes*, the tale in which the King paraded down the square with no clothes on asking the people how they liked his new expensive outfit. The people all said it was a lovely outfit from hat to shoe — until one brave and ignorant little boy yelled out, "Hey, look at that man's little —". The whole assembly broke out in an uproar. The King was made to look like a fool. But he did have one thing over the local Justices in Carson County — at least he knew how to dress.

There was one occasion on which my laughter was sincere. It was at an arraignment, and I was accompanying the lovely former Miss Morton, who had been an A.D.A. for about a year. Strange things can happen in a year's time — in fact, she wasn't at work my first three days on the job, because Miss Morton and Mr. Crenshaw were on their honeymoon. So there I was with

Mrs. Morton-Crenshaw (Hereinafter M.C.) at the arraignment. It seems the accused had been picked up for theft of services stemming from an incident at a local luncheonette. He apparently held himself out to be a police officer, and a certain nameless waitress was in the habit of providing police with a free lunch. He was caught by the cashier, a former player in the now-defunct World Football League, who realized that the guy hadn't paid. After the arrest, it was found out that the same person was being sought in connection with three other separate occurrences involving impersonation. Defense counsel offered M.C. a B Misdemeanor in satisfaction. She responded with a resounding "Get lost." The matter was set down for trial.

The cause of my laughter? M.C. inquired as to bail for this man who has a history of criminal impersonation. The Judge's response: Released on own Recognizance. To top it all off, the case had to be dismissed because the waitress refused to testify. She was afraid that she'd lose her job when it became known that she always fed the cops for free. As of this writing, I believe she is still residing at the County Jail; and I am told that the whole force has slimmed down considerably.

When I got back to the office it was 4:00 P.M. I ran upstairs to the court room, but I was too late. The rape trial ended early because Judge Banshee had a commitment — seems his daughter

had won the Purnimock Creek Upstate Canoeing Championship for the third straight year, and he had a four-hour drive to the awards dinner. I caught Crenshaw walking down the stairs. "How'd it go?"

"Okay, I think. They're calling one more witness. We'll probably finish it up tomorrow."

"Then I guess you have alot to do." I was disappointed. I thought maybe I'd get this turkey on the court.

"Not really. I told M.C. to do the summation for me. I'll just look at it after she writes it. She's great. Let's play."

We were at the tennis courts ten minutes later. I play there about two hours a day, weather permitting, and I had long since come to know the attendants who work there. To play, you must have a permit, or pay 5 dollars for an hour. Once the attendants recognize the regular players, it becomes unnecessary to show the permit. I stopped bringing mine three days after the courts opened on May 15.

Just our luck — there was a new girl working. "May I see your permits, please?"

"I don't carry mine — I'm a really good friend of Luther, and Debbie, too — the people who usually work here. Where are they today?"

"I don't know where they are, and I don't know who you are. I was told to ask to see all permits."

"But Buddy Silverman — he's

your boss — I even play with him sometimes."

"Sorry. You'll have to go home and get the permit." I told Crenshaw I'll be back in a minute, and I stormed away. This was like Reagan being denied entry to Air Force One because he didn't have his I.D. card.

When I got back to the courts the girl was gone and Luther was there. I told him what happened. He thought it was funny. I didn't.

"Well Pudge, that's the way it goes."

Crenshaw hit me in the arm. "You gonna let him get away with that?"

"Get away with what? Telling me that's the way it goes?"

"No. Didn't you hear what he called you? He called you 'Pudge'."

"He did? I wonder what he meant by that...?" We were finally on the court. I had a new can of tennis balls. I started to open it. "Uh-oh — hey, Crenshaw, you got a knife or something? The ring broke."

"A knife? No. Here; let me try." No good. We couldn't get the can open. There was only one thing to do — take another quick trip home.

"May I see your license and registration... you do realize you were going 35 in a 20 MPH zone."

I returned to the courts with three tennis balls and minus 25 dollars. But I had taken too long. When I got there Crenshaw was gone...

To be continued...

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